

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FUJITSU LIMITED,

Plaintiff,

v.

TELLABS OPERATIONS, INC., TELLABS
INC, AND TELLABS NORTH AMERICA,
INC.,

Defendants.

Civil Action No. 1:09-CV-4530

Civil Action No. 1:12-CV-3229

JUDGE HOLDERMAN
MAGISTRATE JUDGE COLE

JURY TRIAL DEMANDED

FUJITSU LIMITED'S MOTION FOR JUDGMENT AS A MATTER OF LAW

Fujitsu Limited (“Fujitsu”) respectfully requests that the Court enter Judgment as a Matter of Law in favor of Fujitsu Limited on the defense of unenforceability raised by Tellabs Operations, Inc., Tellabs, Inc., and Tellabs North America, Inc. (“Tellabs”).

Pursuant to Federal Rule of Civil Procedure 50, judgment as a matter of law is appropriate if “a party has been fully heard on an issue and there is no legally sufficient evidentiary basis for a reasonable jury to find for that party on that issue.” *Pandya v. Edward Hosp.*, 1 F. App'x 543, 545 (7th Cir. 2001) (quoting Fed. R. Civ. P. 50). Tellabs has failed to offer sufficient evidence such that a reasonable jury could find in favor of Tellabs on its unenforceability defense related to Fujitsu’s U.S. Patent No. 5,521,737.

WHEREFORE, Fujitsu Limited respectfully requests that the Court enter Judgment as a Matter of Law pursuant to Federal Rule of Civil Procedure 50 in favor of Fujitsu Limited and against Tellabs on the defense of unenforceability as to U.S. Patent No. 5,521,737.

Dated: July 21, 2014

Respectfully Submitted,

/s/ David C. Van Dyke

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***Attorneys for* FUJITSU LIMITED**

CERTIFICATE OF SERVICE

I hereby certify that on July 21, 2014, I provided service to all counsel by causing a true and correct copy of **FUJITSU LIMITED'S MOTION FOR JUDGMENT AS A MATTER OF LAW** to be served on all counsel of record by the Court's CM/ECF System.

Dated: July 21, 2014

s/ David C. Van Dyke

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